



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
4400 PGA BLVD., SUITE 500
PALM BEACH GARDENS, FLORIDA 33410

REPLY TO
ATTENTION OF

Palm Beach Gardens Regulatory Office
SAJ-2008-447 (NW-JWH)

30 MAY 2008

Palm Beach County
Department of Environmental Resources Management
2300 North Jog Road, 4th Floor
West Palm Beach, FL 33411

Gentlemen:

Your application for a Department of the Army permit received on February 5, 2008, has been assigned number SAJ-2008-447 (NW-JWH). A review of the information and drawings provided shows the proposed work is to remove berms and fill approximately 0.96 acres of jurisdictional ditches within the Carleton Oaks Preserve Area to restore a more natural hydroperiod. The project is located at the Carleton Oaks Preserve Area, north of the Carleton Oaks Development, north of Northlake Blvd and west of Bee Line Highway, (Section 13, Township 42 S, Range 41 E) in Palm Beach County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) Number 27. In addition, project specific conditions have been enclosed. This verification is valid until 30 MAY 2010. Please access the U.S. Army Corps of Engineers' Jacksonville District's Regulatory web address at <http://www.saj.usace.army.mil/regulatory/permitting/nwp/nwp.htm> to access web links to view the Final Nationwide Permits, Federal Register Vol. 72, dated March 12, 2007, the Corrections to the Final Nationwide Permits, Federal Register 72, May 3, 2007, and the List of Regional Conditions. These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP 27. A copy of a portion of the Final Nationwide Permits, Federal Register Vol. 72, dated March 12, 2007, has been enclosed, specifically pages 11180 through 11198. Additionally, enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with

all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not completed construction of your project within the specified time limit, a separate application or re-verification may be required.

The following special conditions are included with this verification:

1. Within 60 days of completion of the work authorized, the attached "Self-Certification Statement of Compliance" must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Enforcement Section, Post Office Box 4970, Jacksonville, Florida 32232-0019.

2. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Permittee or other party on the Permittee's behalf, shall conduct a search in the National Register Information System (NRIS). Information can be found at; <http://www.cr.nps.gov/nr/research/nris.htm>. Information on properties eligible for inclusion in the National Register can be identified by contacting the Florida Master File Office by email at fmsfile@dos.state.fl.us or by telephone at 850-245-6440.

If unexpected cultural resources are encountered at any time within the project area that was not the subject of a previous cultural resource assessment survey, work should cease in the immediate vicinity of such discoveries. The permittee, or other party, should notify the SHPO immediately, as well as the appropriate Army Corps of Engineers office. After such notifications, project activities should not resume without verbal and/or written authorization from the SHPO.

If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes, unless on Federal lands. After such notifications, project activities on non-Federal lands shall not resume without verbal and/or written

authorization from the Florida State Archaeologist for finds under his or her jurisdiction.

3. Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

4. The permittee shall comply with the attached *Standard Protection Measures for the Eastern Indigo Snake* (USFWS, Feb 2004).

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. In Florida, projects qualifying for this NWP must be authorized under Part IV of Chapter 373 by the Department of Environmental Protection, a water management district under §. 373.069, F.S., or a local government with delegated authority under §. 373.441, F.S., and receive Water Quality Certification (WQC) and Coastal Zone Consistency Concurrence (CZCC) (or a waiver), as well as any authorizations required by the State for the use of sovereignty submerged lands. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This letter does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

the following link and complete our automated Customer Service Survey: <http://per2.nwp.usace.army.mil/survey.html>. Your input is appreciated - favorable or otherwise.

Sincerely,

A handwritten signature in black ink that reads "Tori White". The signature is written in a cursive, flowing style.

Tori White
Chief, Palm Beach Gardens Permits Section

Enclosures

Copy/ies Furnished:

bcc:
CESAJ-RD-PE

GENERAL CONDITIONS
33 CFR PART 320-330

PUBLISHED FEDERAL REGISTER DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends on date identified in the letter. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: NW-27

Application Number: SAJ-2008-447 (NW-JWH)

Permittee's Name & Address (please print or type): _____

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

Description of the Work (e.g., bank stabilization, residential or commercial filling, docks, dredging, etc.): _____

Acreage or Square Feet of Impacts to Waters of the United States: _____

Describe Mitigation completed (if applicable): _____

Describe any Deviations from Permit (attach drawing(s) depicting the deviations): _____

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Date

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: _____

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, FL 32232-0019.

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE

1. An eastern indigo snake protection/education plan shall be developed by the applicant or requestor for all construction personnel to follow. The plan shall be provided to the Service for review and approval at least 30 days prior to any clearing activities. The educational materials for the plan may consist of a combination of posters, videos, pamphlets, and lectures (*e.g.*, an observer trained to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur). Informational signs should be posted throughout the construction site and along any proposed access road to contain the following information:
 - a. a description of the eastern indigo snake, its habits, and protection under Federal Law;
 - b. instructions not to injure, harm, harass or kill this species;
 - c. directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and,
 - d. telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered. The dead specimen should be thoroughly soaked in water and then frozen.
2. If not currently authorized through an Incidental Take Statement in association with a Biological Opinion, only individuals who have been either authorized by a section 10(a)(1)(A) permit issued by the Service, or by the State of Florida through the Florida Fish Wildlife Conservation Commission (FWC) for such activities, are permitted to come in contact with an eastern indigo snake.
3. An eastern indigo snake monitoring report must be submitted to the appropriate Florida Field Office within 60 days of the conclusion of clearing phases. The report should be submitted whether or not eastern indigo snakes are observed. The report should contain the following information:
 - a. any sightings of eastern indigo snakes and
 - b. other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

Revised February 12, 2004

Excavation Guidelines

In areas where the water table is high, gopher tortoise burrows may be commonly 8 to 10 feet long and have an angle of decline of 4:1 to a depth of less than 3 feet. Where the water table is not a restriction, length has reached 67 feet with a depth of 21 feet.

A team of at least 3 experienced persons is desired for the excavation of each burrow: one to dig with shovel or machinery; one to scope and track the burrow tunnel utilizing pvc pipe or other tracer; and one to coordinate, hand-scoop and handle any occupants of the burrow (holder of FWC and/or Service permit).

Excavation may be done manually by shovel, if, for instance, burrows are shallow (high ground water table). Otherwise, excavation by backhoe is a common option. Any digging machinery must be equipped with a tooth-less bucket/digging blade for burrow excavation.

Digging should begin at the mouth of the burrow and carefully follow the tunnel path, as identified by the tracer, to the end chamber. If a backhoe is used, the bucket should remove soil by "dragging" along the path of the tunnel, rather than maximizing soil removal by "gouging". The backhoe should be positioned behind the burrow mouth and scrape along the line of the tracer. The backhoe should not dig any closer than approximately six inches to the top of the tunnel, as soil should be removed at this point by hand, progressively, as the team works together towards the end chamber. Special attention should be exercised in navigating to the end chamber, as the tunnel frequently turns 20-30 degrees at its beginning. Soil removal in the end chamber should be by hand with attention to signs of occupancy.

Carleton Oaks Preserve Area



0 0.4 0.8 **RECEIVED** Miles

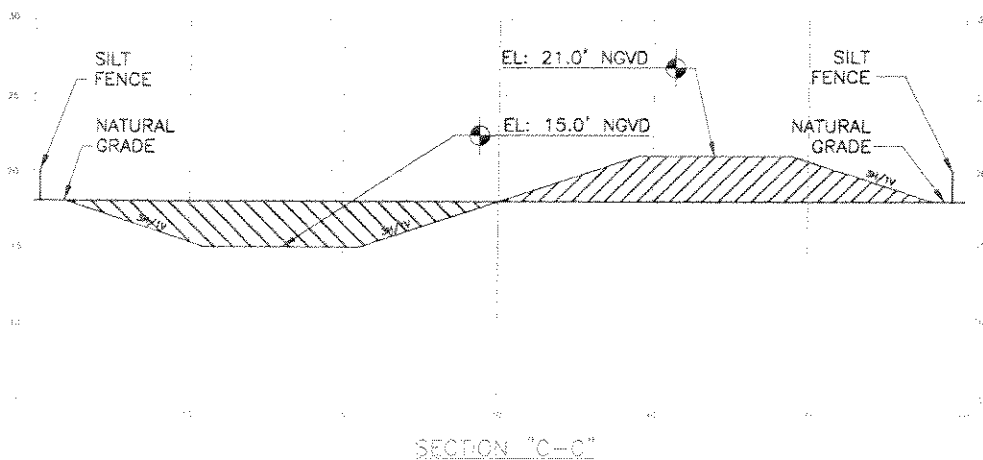
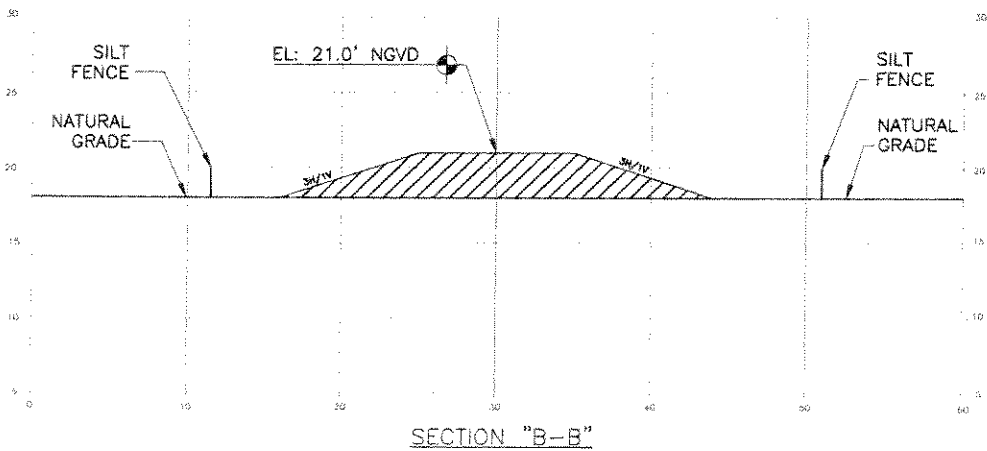
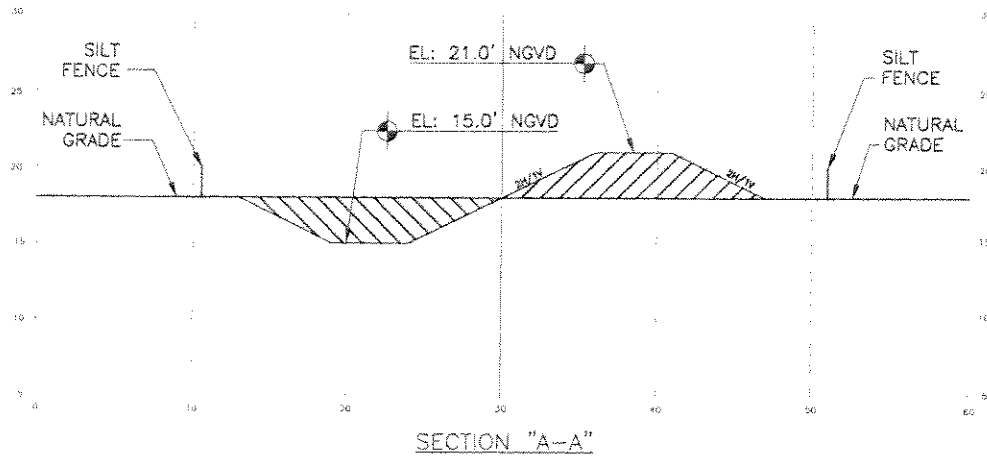
080131-10

ENV RES REGULATION

Palm Beach County
Department of Environmental
Resource Management
2/22/07 RJR



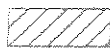
Figure 1



080131-10#

RECEIVED

JUN 31 2008



REMOVE EXISTING BERM TO ADJACENT
NATURAL GROUND ELEVATION PER REGULATION



FILL EXISTING DITCH TO ADJACENT
NATURAL GROUND ELEVATION

Clinton L. Thompson
#32070 1/31/08

CARLETON OAKS
PRESERVE AREA

Cross Sections

SCALE

Project	Sheet	Date	Revised	By	Date
080131-10#	3.02	1/31/08			



PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL RESOURCES MANAGEMENT
2300 NORTH JOG ROAD, 4TH FLOOR
WEST PALM BEACH, FLORIDA 33411
(561) 233-2400

JURISDICTIONAL DETERMINATION
U.S. Army Corps of Engineers

Revised 8/13/04

DISTRICT OFFICE: JACKSONVILLE
FILE NUMBER: SAJ-2008-447(NW-JWH)

PROJECT LOCATION INFORMATION:

State: Florida
County: Palm Beach County
Center coordinates of site (latitude/longitude): 26.8211491745 N, 80.2104355557 W
Approximate size of area (parcel) reviewed, including uplands: 79.34 acre.
Name of nearest waterway: C-18 Canal
Name of watershed: 030902, Loxahatchee

JURISDICTIONAL DETERMINATION

Completed: Desktop determination ☒ Date: 5/14/2008
Site visit(s) ☐ Date(s):

Jurisdictional Determination (JD):

- ☒ Preliminary JD - Based on available information, ☒ *there appear to be* (or) ☐ *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
- ☐ Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).
Check all that apply:
- ☐ *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .
- ☐ *There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .
- ☐ *There are* "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**
- ☐ The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**
- ☐ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- ☐ (2) The presence of interstate waters including interstate wetlands¹.
- ☒ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- ☒ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- ☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- ☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- ☐ (4) Impoundments of waters otherwise defined as waters of the US.
- ☒ (5) The presence of a tributary to a water identified in (1) - (4) above.
- ☐ (6) The presence of territorial seas.
- ☒ (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). *The project site is located adjacent to the C-18 canal and consists of approximately 79 acres of wetlands and ditches (RPWs)*

separated by upland berms. Waters on-site appear to have a direct surface water connection to C-18 canal through control structures. The C-18 drains into the Lake Worth Lagoon (TNW).

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

- ☒ Ordinary High Water Mark indicated by:
- ☒ clear, natural line impressed on the bank
 - ☐ the presence of litter and debris
 - ☐ changes in the character of soil
 - ☐ destruction of terrestrial vegetation
 - ☐ shelving
 - ☐ other: Project Plan:
- ☐ High Tide Line indicated by:
- ☐ oil or scum line along shore objects
 - ☐ fine shell or debris deposits (foreshore)
 - ☐ physical markings/characteristics
 - ☐ tidal gages
 - ☐ other: Project Plan:
- ☐ Mean High Water Mark indicated by:
- ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
- ☒ Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: The applicant.

Basis For Not Asserting Jurisdiction:

- ☐ The reviewed area consists entirely of uplands.
- ☐ Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- ☐ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- ☐ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
 - ☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
 - ☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.
 - ☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
 - ☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
 - ☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
 - ☐ Isolated, intrastate wetland with no nexus to interstate commerce.
 - ☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: .
 - ☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: .
 - ☐ Other (explain): .

DATA REVIEWED FOR JURSDICTIONAL DETERMINATION (mark all that apply):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.
- ☐ Data sheets prepared/submitted by or on behalf of the applicant.
 - ☒ This office concurs with the delineation report, dated , prepared by (company): .
 - ☐ This office does not concur with the delineation report, dated , prepared by (company): .
- ☐ Data sheets prepared by the Corps.
- ☐ Corps' navigable waters' studies: .
- ☐ U.S. Geological Survey Hydrologic Atlas: .
- ☐ U.S. Geological Survey 7.5 Minute Topographic maps: .
- ☐ U.S. Geological Survey 7.5 Minute Historic quadrangles: .
- ☐ U.S. Geological Survey 15 Minute Historic quadrangles: .
- ☐ USDA Natural Resources Conservation Service Soil Survey: .
- ☐ National wetlands inventory maps: .
- ☐ State/Local wetland inventory maps: .
- ☐ FEMA/FIRM maps (Map Name & Date): & .
- ☐ 100-year Floodplain Elevation is: (NGVD)
- ☒ Aerial Photographs (Name & Date): FDEP GIS & 2004.
- ☐ Other photographs (Date): .
- ☐ Advanced Identification Wetland maps: .
- ☐ Site visit/determination conducted on: .
- ☐ Applicable/supporting case law: .

☐ Other information (please specify): _____

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.